

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL CASE NO. 3:85-cr-00062-MR-1**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WAYNE PORTER,

Defendant.

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ORDER

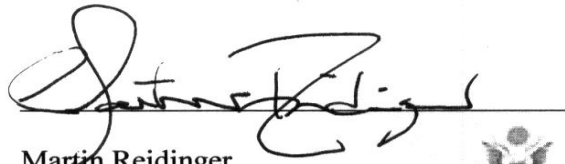
THIS MATTER is before the Court on the Defendant's "Motion for Reconsideration..." [Doc. 33].

The Defendant moves the Court to reconsider its Order [Doc. 30] denying his motion to correct certain alleged "errors" in the Fourth Circuit's decision affirming his conviction and sentence. On the same day that the Defendant filed this motion for reconsideration, he filed a notice of appeal to the Court of Appeals for the Fourth Circuit. [Doc. 31]. The filing of this notice of appeal divested this Court of jurisdiction over the case and conferred jurisdiction upon the Fourth Circuit. See United States v. Christy, 3 F.3d 765, 767 (4th Cir. 1993). Accordingly, the Court lacks jurisdiction to dispose of the Defendant's motion.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion for Reconsideration..." [Doc. 33] is **DENIED**.

IT IS SO ORDERED.

Signed: May 20, 2020


Martin Reidinger
United States District Judge

